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September 17, 2004

Ms. Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby - TW - A325
Washington, D.C. 20554

Re: Petition for Rule Making
Hico, Texas (Channel 237C3)

Dear Ms. Dortch:

Enclosed is an original and four (4) copies of a
Petition for Rule Making to add Channel 237C3 at Hico,
Texas.

Respectfully submitted,

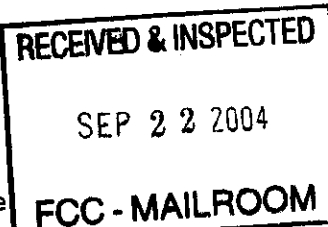


Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele

Hicover

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of 73.202 (b)) MB Docket No. _____
Table of Allotments)
FM Broadcast Stations)
(Hico, TX)

To: John Karousos, Assistant Chief
Audio Division of the
Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 C.F.R. 1.401, Charles Crawford respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 237C3 at Hico, Texas.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 237C3 to Hico, Texas as that community's first local service. Hico, Texas is an incorporated community with a population of 1,341 people.¹ Hico has its own mayor, its own post office, its own independent school system, volunteer fire department, city offices and a number of local churches.

¹ Source, Texas Almanac 2002/2003

114 businesses in Hico have been given a credit rating by Dun and Bradstreet as of the last quarter of 2000. Hico is a community that is certainly deserving of a local FM service. The proposed Channel 237C3 will provide additional diversity and an outlet for local self-expression to Hico residents and therefore is in the public interest.

Attached hereto is a channel study confirming that Channel 237C3 can be allocated to Hico, Texas, consistent with the FCC's FM separation rules. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment A) Note: the counterproposal filed by Pecan Bayou Radio in MM Docket No. 01-47 proposing to allot Channel 237A at Meridian, Texas was withdrawn on August 10, 2004, an effective but not yet final dismissal. (See, Attachment B) Also note, in MM Docket No. 01-47, the original proponent for Channel 237C2 at Valley Mills, Texas, Valley Mills Radio Broadcasting Company, withdrew its support for 237C2 at Valley Mills in favor of the proposed 237C3 at Teague, Texas on April 24, 2001, an effective but not yet final dismissal. (See, Attachment C) Additionally, Elgin FM Limited Partnership withdrew its support of Channel 237C2 at Valley Mills, Texas on November 13, 2003, an effective but not yet final dismissal. (See,

Attachment D)

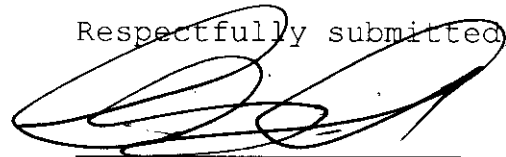
Reference coordinates for Channel 237C3 at Hico are:

32 00 00 N
97 56 30 W

Should this petition be granted and Channel 237C3 allotted to Hico, Texas, Petitioner will apply for Channel 237C3 at Hico and after it is authorized, will promptly construct the new facility.

The factual information provided in this Petition for Rule Making is correct and true to the best of my knowledge.

Respectfully submitted,



Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele

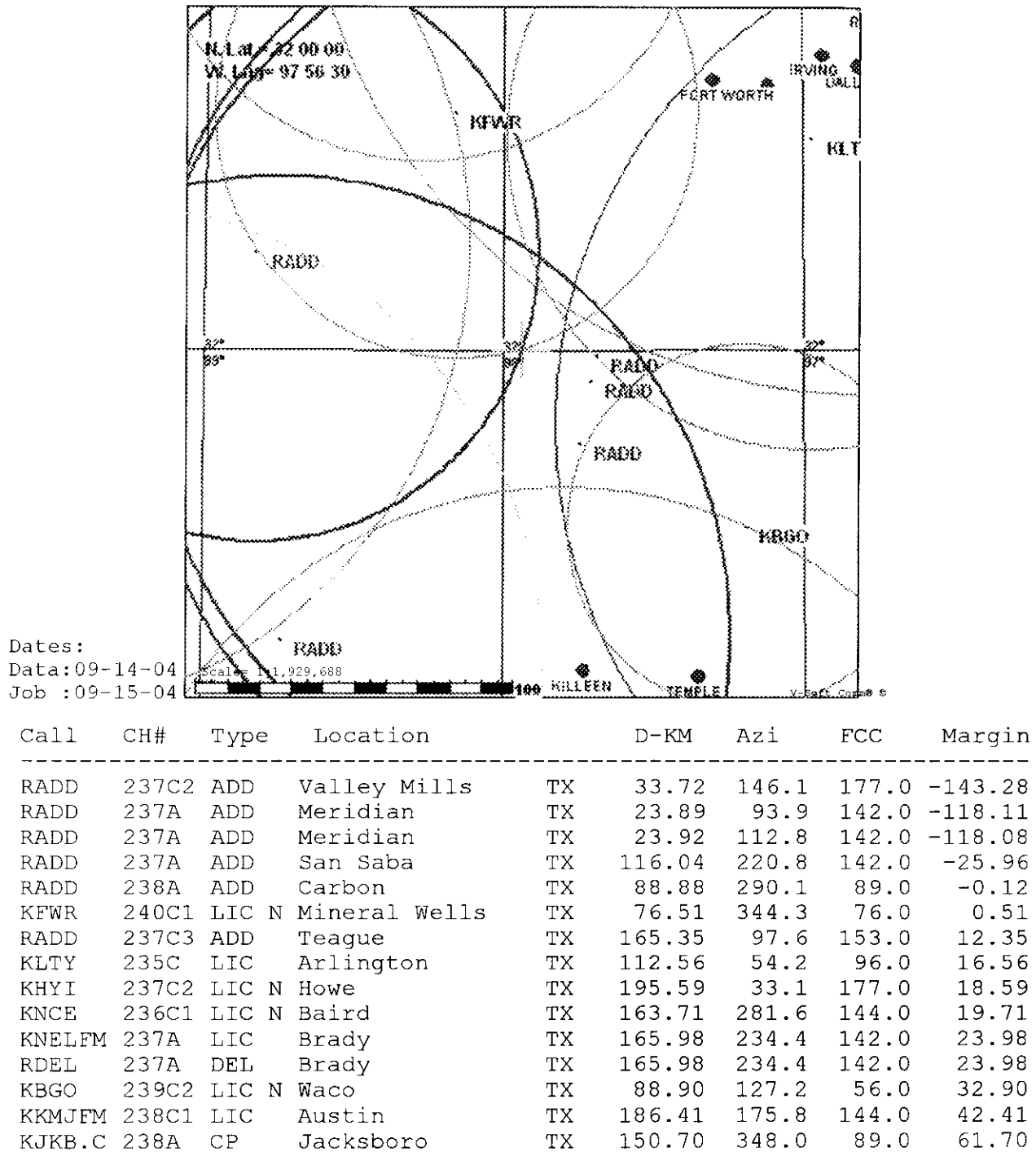
cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite 600, 1050 17th Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, fax (301) 762-0156, attorney for Charles Crawford. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copier to Mr. Bechtel as well as Charles Crawford.

September 17, 2004

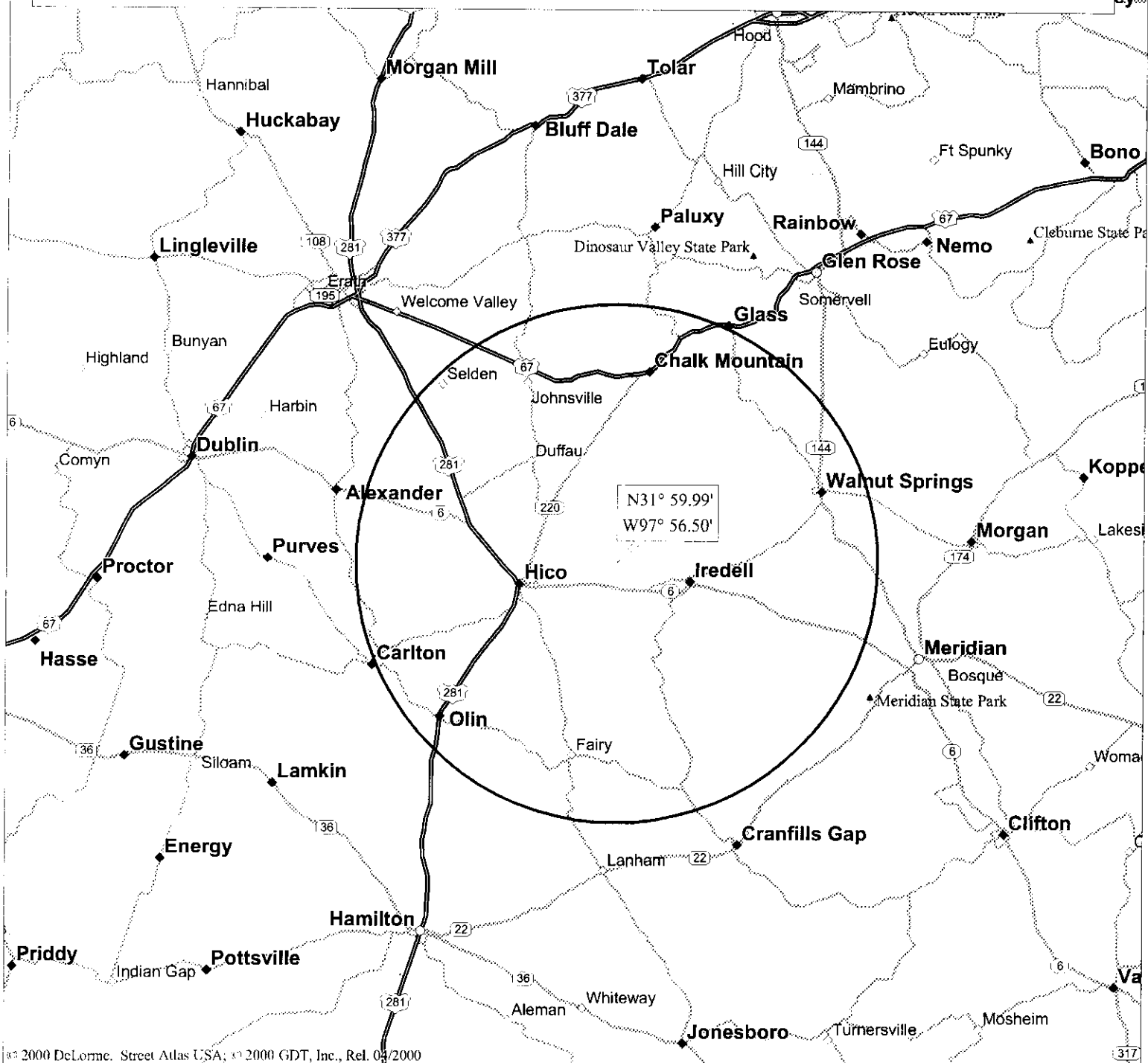
BH/cv

Attachment A

(Channel Study for Channel 237C3 at Hico, Texas)



Hico, TX CH 237C3 70 dBu



© 2000 DeLorme, Street Atlas USA; © 2000 GDT, Inc., Rel. 03/2000

Mag 10.00

Wed Sep 15 16:34 2004

Scale 1:500,000 (at center)

10 Miles

10 KM

- Local Road
- == US Highway
- == Interstate/Limited Access
- Major Connector
- State Route
- Exit
- County Seat
- ◆ Small Town

- ▲ Park/Reservation
- Locale
- Land
- Water

Attachment B

(Withdrawal of Counterproposal in MM Docket No. 01-47)

ORIGINAL

Before The
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C.

In the Matter of)	MM Docket No. 01-47
)	
Amendment of Section 73.202(b))	RM-10063
Table of Allotments)	RM-10119
FM Broadcast Stations)	RM-10120
(Valley Mills, Texas))	
To: Assistant Chief,		
Audio Division		
Media Bureau		

WITHDRAWAL OF CONSENT AND SUPPORT

On April 9, 2001, a counterproposal was filed in this proceeding by Pecan Bayou Radio ("Pecan Bayou"), and Roy E. Henderson as licensee of radio station KBAL(FM) in San Saba, Texas ("KBAL(FM)"), proposing a change of channel and site proposed by KBAL(FM) ("Option I"), and also a change proposed by Pecan Bayou adding allocations at Hico and Richland Springs, Texas, along with a change of channel and transmitter site for KBAL(FM) to which KBAL(FM) consented ("Option II").

On April 16, 2001, KBAL(FM) and Pecan Bayou jointly filed a "Partial Withdrawal" by which KBAL(FM) withdrew its direct portion of the counterproposal ("Option I"), but continued its consent to the change in channel and transmitter site for KBAL(FM) as proposed by Pecan Bayou in Option II, and also its indicated support of the Pecan Bayou proposal.

Since that time KBAL(FM) has now determined that the changes as proposed for KBAL(FM) by Pecan Bayou are no longer in the station's best interests and, by letter sent on Monday, August 9,

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2004, KBAL(FM) has now advised Pecan Bayou of its withdrawal of consent and withdrawal of support of the Pecan Bayou counterproposal, effective immediately. Also, attached hereto is a copy of the above-referenced letter sent to Pecan Bayou, along with a Declaration of Roy E. Henderson attesting to the facts and certifying that no consideration was received or to be received for any of these actions taken.

Wherefore, it is respectfully requested that the Commission note the change of facts relevant to this proceeding as set forth herein.

Respectfully submitted,

Roy E. Henderson, Licensee of
Radio Station KBAL(FM)

by 

Robert J. Buenzle

His Counsel

Law Offices
Robert J. Buenzle
11710 Plaza America Drive
Suite 2000
Reston, Virginia 20190
(703) 430-6751

August 10, 2004

DECLARATION

Roy E. Henderson, under penalty of perjury, hereby states and declares the following:


That he is licensee of radio station KBAL(FM) in San Saba, Texas, which joined in support of a counterproposal by Pecan Bayou Radio in MM Docket 01-47, as filed in April of 2001, and where KBAL included its consent to a change of channel and transmitter site as set forth therein; and

That, effective today, KBAL(FM) has advised Pecan Bayou of its withdrawal of consent to channel and site change for KBAL(FM) and its withdrawal of support of the Pecan Bayou proposal, as set forth in a letter to Pecan Bayou sent today, a true copy of which is attached hereto; and

That, to the extent that KBAL(FM) had joined in support of the Pecan Bayou proposal in MM Docket 01-47, and now withdraws that support, that in connection therewith, it is also hereby certified that neither KBAL(FM), nor any principal of KBAL(FM) has received or will receive any money or other consideration in exchange for any of its actions as set forth herein.

The above statements of fact are true and correct to the best of my own personal knowledge and belief.

Signed and dated this 7th day of August, 2004.



Roy E. Henderson,
Licensee, KBAL(FM),
San Saba, Texas

Radio Station KBAL(FM)
1110 West William Cannon Drive
Suite 402
Austin, Texas 78745-5460

August 9, 2004

SENT BY FAX to 202 879-8971

Mark M. Lipp, Esq.
J. Thomas Nolan, Esq.
Vinson & Elkins, L.L.P.
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Mr. Lipp:

In April of 2001, KBAL joined with Pecan Bayou Radio in filing a counterproposal on April 9, 2001, in MM Docket No. 01-47 which included an "Option I" proposal to change the channel and community of KBAL as proposed by KBAL(FM), and an "Option II" proposal by Pecan Bayou for allotments at Rice and Richland Springs, Texas, which also included KBAL's consent to change channels and transmitter site.

On April 16, 2001, The parties filed a partial withdrawal which recognized the withdrawal of KBAL of its proposal (Option I), but which continued the Pecan Bayou Proposal (Option II) along with KBAL's consent and support of that proposal.

It has now been several years since that proposal was filed and KBAL herewith advises you, as counsel for Pecan Bayou, that, effectively immediately, KBAL herewith withdraws its consent and support by KBAL for the Pecan Bayou counterproposal in MM Docket 01-47, and that KBAL will also proceed immediately to report this change to the Federal Communications Commission.

Very truly yours,

Radio Station KBAL(FM)
San Saba, Texas

By: 

Roy E. Henderson, Licensee

CERTIFICATE OF SERVICE

I, Robert J. Buenzle, do hereby certify that copies of the foregoing Withdrawal of Consent and Support have been served by United States mail, postage prepaid this 10th day of August, 2004, upon the following:

*John A. Karousos, Esq.
Assistant Chief, Audio Division
Office of Broadcast License Policy
Media Bureau
Federal Communications Commission
Portals II, Room 3-A266
445 12th Street SW
Washington, D.C. 20554

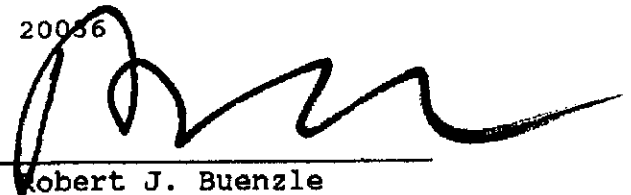
Mark N. Lipp, Esq.
J. Thomas Nolan, Esq.
Vinson & Elkins, L.L.P.
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Robert Lewis Thompson, Esq.
Theiman Aitkin & Vohra, LLP
908 King Street
Suite 300
Alexandria, VA 22314

James L. Oyster, Esq.
Law Offices of James L. Oyster
108 Oyster lane
Castleton, VA 22716-2839

Ann Bavender, Esq.
Fletcher Heald & Hildreth P.L.C.
1300 North 17th Street
11th Floor
Arlington, Virginia 22209-3801

Gene A. Bechtel, Esq.
Law Office of Gene Bechtel, PC
1050 17th Street, NW
Suite 600
Washington, D.C. 20036



Robert J. Buenzle

* Also sent by fax

Attachment C

(Valley Mills Radio Broadcasting Company withdrawal of support for Channel 237C2 at Valley Mills, Texas in MM Docket No. 01-47))

ORIGINAL

DOCKET FILE COPY ORIGINAL

RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

APR 24 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of 73.202(b)) MM Docket No. 01-47
Table of Allotments) RM-10063
FM Broadcast Stations)
(Valley Mills, TX et al.))

To: Leslie Shapiro
Allocations Branch
Mass Media Bureau

Reply Comment

Petitioner Valley Mills Radio Broadcasting Company (VMRBC) submits this Reply Comment in the captioned proceeding.

On or about April 9, 2001, a Counterproposal was filed in this proceeding by Teague Broadcasting Company, which requested that channel 237C3 be allocated to Teague, TX, in lieu of channel 237C2 at Valley Mills, TX, as proposed in the NRPM ("Teague Counterproposal"). ^{1/}

After thorough study of the Teague Counterproposal, Petitioner has concluded that the public interest best would be served in this proceeding by a grant of the Teague Counterproposal. Accordingly, Petitioner hereby withdraws its expression of interest for its proposed allocation of channel 237C2 to Valley Mills. ^{2/} Rather, should the Teague Counterproposal be

^{1/} Another Counterproposal, which is contingent in part, was filed jointly on or about April 9, 2001 by Roy E. Henderson and Pecan Bayou Radio; however, a "Partial Withdrawal" was filed by those parties on or about April 16, 2001.

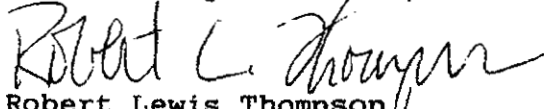
^{2/} A Declaration of No Consideration (for Petitioner's withdrawal of interest in the Valley Mills allocation) is attached hereto.

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ENCLOSURE

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granted and channel 237C3 be allocated to Teague, TX, Petitioner will file an application for that facility and, upon grant of a permit, will construct the new station.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert L. Thompson", written over the typed name.

Robert Lewis Thompson
THIEMANN AITKEN & VOHRA, LLC
908 King Street #300
Alexandria, VA 22314
(703) 836-9400

Counsel for VMRBC

April 24, 2001

SWORN DECLARATION

Charles Crawford, states under penalty of perjury:

1. My name is Charles Crawford, I am a resident of the State of Texas and I am the sole owner of Valley Mills Radio Broadcasting Company ("VMRBC"), the Petitioner in MM Docket No. 01-47, NPRM, released February 16, 2001.

2. On or about April 9, 2001, a counterproposal was filed in the proceeding, requesting the allotment of channel 237C3 to Teague, TX, rather than channel 237C2 to Valley Mills, TX.

3. Having studied that filing, I believe the public interest would best be served by the grant of that counterproposal and the allotment of channel 237C3 to Teague, TX. Accordingly, I am withdrawing Petitioner's expression of interest in the allocation of channel 237C2 to Valley Mills and requesting the FCC to allot channel 237C3 to Teague, TX.

4. I certify that neither I nor VMRBC has received, nor is entitled to receive, any money or other consideration, directly or indirectly, in exchange for the request to withdraw Petitioner's expression of interest in the allocation of channel 237C2 to Valley Mills, TX.

4. Moreover, neither I nor VMRBC has paid nor promised to pay any consideration to any other person or entity, either directly or indirectly, in connection with the withdrawal of interest.

Executed this 24th day of April 2001.



Charles Crawford

Certificate of Service

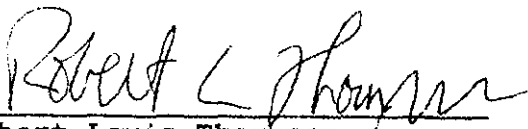
I, Robert Thompson, do certify that, on April 24, 2001, I served by first class mail a copy of the foregoing Reply Comments on the counsel of record listed below:

Gene Bechtel, Esq.
Bechtel & Cole, Chtd
1901 L Streeet, NW #250
Washington, DC 20036

Robert J. Buenzle, Esq.
12110 Sunset Hills Rd, Ste. 450
Reston, VA 20190

Mark Lipp, Esq.
Shook Hardy & Bacon, LLP
600 14th Street, NW #800
Washington, DC 20005

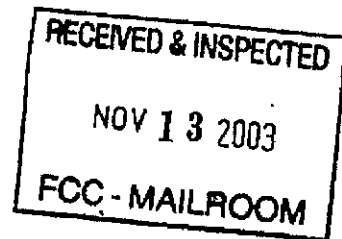
Ann Bavender, Esq.
Fletcher Heald et al
1300 North 17th Street, 11th Floor
Arlington, VA 22209


Robert Lewis Thompson

Attachment D

(Withdrawal of interest in Channel 237C2 at Valley Mills,
Texas in MM Docket No. 01-47 by Elgin FM Limited
Partnership)

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November 12, 2003

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby - TW - A325
Washington, D.C. 20554

Re: Petition for Rule Making
Valley Mills, Texas (MM Docket No. 01-47)

Dear Ms. Dortch:

Enclosed is an original and four (4) copies of my
withdrawal of my expression of interest in the new
allotment at Valley Mills, Texas, MM Docket No. 01-47.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joe Garcia".

Joe Garcia, Vice President
Elgin FM Limited Partnership
7524 North Lamar, suite 200
Austin, Texas 78752
(512) 453-1491 (tele)
(512) 458-0700 (fax)

ElginValleyW

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Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)
)
Amendment of 73.202 (b)) MB Docket No. 01-47
Table of Allotments) RM-10063
FM Broadcast Stations) RM-10119
(Valley Mills, Texas)) RM-10120

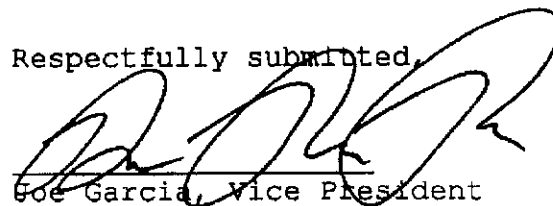
To: John Karousos, Assistant Chief
Audio Division of the
Media Bureau

Withdrawal of Expression of Interest

I, Joe Garcia, Vice President, Elgin FM Limited Partnership, respectfully move that the FCC dismiss my Expression of Interest in the new allotment at Valley Mills, Texas, MM Docket No. 01-47. I have decided not to pursue the allotment of Channel 237C2 at Valley Mills, Texas at this time.

An appropriate Affidavit, required by 47 CFR 1.420(j), is attached hereto.

Respectfully submitted,



Joe Garcia, Vice President
Elgin FM Limited Partnership
7524 North Lamar, suite 200
Austin, Texas 78752
(512) 453-1491 (tele)
(512) 458-0700 (fax)

November 12, 2003

ValleyD

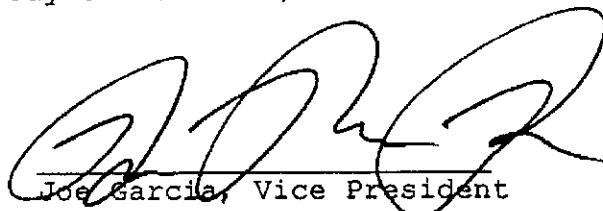
SWORN AFFIDAVIT

Joe Garcia, Vice President, Elgin FM Limited Partnership does state under penalty of perjury:

1. My name is Joe Garcia and I filed an Expression of Interest in the new allotment for Channel 237C2 at Valley Mills, Texas on or about April 9, 2001 in MM Docket No. 01-47.

2. I have decided not to pursue the allotment of Channel 237C2 at Valley Mills, Texas at this time. Therefore, I am respectfully requesting the FCC to withdraw my expression of interest. I hereby certify that I have not nor will not receive, either directly or indirectly, any money or other consideration in connection with the withdrawal of my expression of interest. I declare that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed this 12th day of November, 2003.



Joe Garcia, Vice President
Elgin FM Limited Partnership
7524 North Lamar, suite 200
Austin, Texas 78752
(512) 453-1491 (tele)
(512) 458-0700 (fax)

CERTIFICATE OF SERVICE


I, Joe Garcia, Vice President, Elgin FM Limited Partnership, hereby certify that on this 12th day of November, 2003, I caused copies of the foregoing "Withdrawal of Expression of Interest" to be placed in the U.S. Postal Service, first class postage prepaid, addressed to the following persons:

Robert J. Buenzle
Law Offices of Robert J. Buenzle
11710 Plaza America Drive, Suite 2000
Reston, Virginia 20190

Mark N. Lipp
Shook Hardy & Bacon, LLP
600 14th Street, Suite 800
Washington, D.C. 20005

James L. Oyster
108 Oyster Lane
Castleton, VA 22716-9720

Ann Bavender, Esq.
Fletcher Heald & Hildreth, P.L.C.
1300 North 17th Street
11th Floor
Arlington, VA 22209-3801



Joe Garcia, Vice President
Elgin FM Limited Partnership
7524 North Lamar, suite 200
Austin, Texas 78752
(512) 453-1491 (tele)
(512) 458-0700 (fax)